



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/613,481

07/03/2003

Will Shatford

24528-71531US

5953

23973

7590

08/11/2006

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,481

Applicant(s)

SHATFORD, WILL

Examiner

Jalatee Worjloh

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 & 14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 5, 2006 has been entered.

2. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2004/0044482 to Takeda et al. in view of Canadian Patent No. 2291430 to Lu.

Referring to claim 1, Takeda et al. disclose a reader (i.e. reading portion) on the user device (i.e. memory card) for sensing and reading a fingerprint on a user (see paragraph [0047], a memory (i.e. memory section) for storing an authorized fingerprint on the user device, and a comparator (i.e. arithmetic section) on the user device, responsive to the reader and memory, for comparing the read fingerprint to the stored fingerprint (see paragraph [0048]). Takeda et al. also teach a controller that receives information from the comparator/arithmetic section (see

Art Unit: 3621

paragraph [0048] and executes various processing (see paragraph [0052]). Takeda et al. do not expressly disclose a pseudo-random generator on the user device, responsive to the comparator, for generating a pseudo-random personal identification number (PIN) when the read fingerprint and the stored fingerprint are equivalent. Lu discloses a pseudo-random generator on the user device for generating a pseudo-random PIN (see abstract and page 6, lines 13-24 – the user card generates a new Pin by generating a distinct pseudo-random number; the PIN comprises pseudo random user generator number). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to device disclose by Takeda et al. to include pseudo-random generator on the user device, responsive to the comparator, for generating a pseudo-random personal identification number (PIN) when the read fingerprint and the stored fingerprint are equivalent. One of ordinary skill in the art would have been motivated to do this because it provides transactional security and improves security using a PIN (see Lu page 1, lines 1-4). Also, it provides a simple, relatively inexpensive, easy to use transactional security system which does not transfer any sensitive data over the Internet (see Lu page 2, lines 14-29 & page 3, line 1-9).

Referring to claim 2, Takeda et al. disclose a user device (see claim 1 above). Takeda et al. do not expressly disclose a pseudo-random generator generates said PIN in accordance with a user specific algorithm. Lu discloses a pseudo-random generator generates said PIN in accordance with a user specific algorithm (see page 6, lines 18-24). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Takeda et al. to include a pseudo-random generator that generates said PIN in accordance with a user specific algorithm. One of ordinary skill in the art would have been

Art Unit: 3621

motivated to do this because it provides transactional security and improves security using a PIN (see page 1, lines 1-4).

Referring to claims 3 and 4, Takeda et al. disclose a user device (see claim 2 above). Takeda et al. do not expressly disclose a display on the user device for displaying said PIN, said PIN being forwarded by said user to an issuer of said user device which grants access to said information, wherein said issuer receives said PIN at an issuer network. Lu discloses a display on the user device for displaying said PIN, said PIN being forwarded by said user to an issuer (i.e. authentication server) of said user device which grants access to said information (see page 6, line 29- page 7, line 11 – the will trigger user card to generate and display a new PIN and then provide authentication server with the newly generated PIN. The credit administrator would then grant the user a specific account name and send the physical user card to the user by secure means), wherein said issuer receives said Pin at an issuer network (see page 5, lines 25-29 – the Internet). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Takeda et al. to include a display on the user device for displaying said PIN, said PIN being forwarded by said user to an issuer of said user device which grants access to said information. One of ordinary skill in the art would have been motivated to do this because it provides transactional security and improves security using a PIN (see page 1, lines 1-4).

Claims 9-12 are method claims that perform the same process as the device of claims 1-4 respectively above; therefore, these claims are rejected on the same rationale as claims 1-4.

Art Unit: 3621

Referring to claims 15-20, Takeda et al. disclose a device, which is a card readable by a standard credit card reader, a smart card, a keyfob (i.e. memory card), see paragraph [0047] [0048].

Allowable Subject Matter

5. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 13 and 14 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- “Access and authentication: key issues in network security” to Axner discloses a SecurID card, which is a credit-card size card that generates a pseudo-random pattern of digits that automatically change every 60 seconds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the

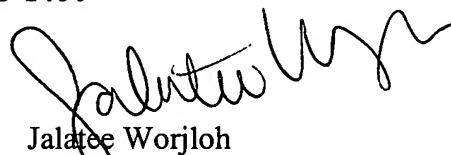
Art Unit: 3621

organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450***


Jalate Worjloh
Patent Examiner
Art Unit 3621

August 4, 2006